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G5 privacy policy

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1. Introduction

This privacy notice describes the handling of all personal data collected and used by Ofwat, or in respect of which Ofwat is the data controller. This includes communications to Ofwat whether in electronic format, paper format or by telephone. By personal data, we mean any information relating to an identified or identifiable natural person¹.

The purpose of this notice is to inform people about what information is collected about them, by whichever means; how this information is used; if it is disclosed and ways in which we protect their privacy.

This policy only relates to the personal data that Ofwat collects and processes, or otherwise controls. We are not responsible for external organisations that may link to Ofwat's web pages. For more information concerning external agencies and stakeholders please visit the relevant privacy statement on their own web pages.

¹ Article 4(1) of the General Data Protection Regulation

2. When do we collect information about people?

We collect information about people falling into the following categories:-

- visitors to our websites;
- people who use our general information services, e.g. who subscribe to our RSS feeds, e-newsletters, social media sites, email alerts including event invitations or request a publication from us;
- people who engage with Ofwat, or whose data we are provided with, as part of our carrying out of our regulatory functions and related organisational activities. This includes both customers of water and wastewater companies (including both undertakers and licensees) who may get in touch for a number of reasons, including in relation to complaints, and also people who interact with us as employees or representatives of organisations we deal with;
- people who contact us in relation to information requests and general queries;
- job applicants and our current and former employees, contractors and secondees, and members of Ofwat Board.

We control the collection and processing of certain information about customers and developers in relation to their experience with their water companies for the purposes of measuring and incentivising excellent customer service through our regulation. More information in relation to this processing is available [on our website](#) and in Annex 1 of this document.

We also collect information about people who participate in or are involved in our innovation competitions (e.g. applicants, panel experts and other stakeholders), and those who express an interest in receiving updates about our innovation competitions. More information in relation to this processing is available [on our website](#).

3. How and why we use your information

We will use the information you provide in a manner that complies with all relevant data protection law, primarily the General Data Protection Regulation (GDPR), the Data Protection Act 2018 (DPA 2018) and other relevant data protection and privacy laws. It is our responsibility to keep your information accurate and up to date and not keep it for longer than is necessary, in accordance with our current [retention schedule](#). In some instances, the law sets the length of time information has to be kept.

The purpose for which your information is processed depends upon which category of contact you fall into. You may fall into more than one category, in which case the data that you provide in each capacity (e.g. as a visitor to our website and as a job applicant) is processed for the purpose which relates to that category of contact. Please see Annex 1 for a list of the purposes for which we control or process data and the relevant lawful bases under the GDPR².

² And, where applicable, in accordance with the additional requirements set out in the DPA 2018.

4. Information Sharing

We will only pass any personal data on to third parties as set out in this privacy policy. This can be for the purposes of our public tasks, sharing personal data with those who either process information on our behalf, to comply with a legal requirement or in exceptional circumstances to protect individuals from harm or injury. In this section we set out the circumstances under which we will share personal data and the recipients or categories of recipients in each case.

We may share your personal data with other government departments such as Defra, or with other regulators or other public bodies where this is necessary for the performance of tasks carried out in the public interest, either by us or by those with whom we share the data, and as permitted under legislation (for example, s206 of the Water Industry Act 1991).

By way of example, where we receive a complaint from customers in relation to their water or wastewater companies, we may share personal data provided by the customer with the Consumer Council for Water (CCW) if we consider that CCW is best placed to handle that complaint, or personal data included in a case-file may be shared with the Competition and Markets Authority (CMA) if it is decided that they are best placed to exercise powers under the Competition Act 1998 in relation to that case.

We may also pass personal data to a third party to comply with a legal requirement, for example passing employee details to HMRC or to the DWP (for example when notified of any employees' pregnancy).

In exceptional circumstances we will share personal data, for example with health or law enforcement services, to protect individuals from harm or injury.

We also share data with organisations who process data on our behalf. The types of organisations who process data on our behalf are those with whom we enter into contracts for services which require them to process personal data in order to deliver the contracted services, such as the companies who provide our outsourced IT services, our payroll provider, our outsourced HR information systems, our records management services/hard copy storage provider, our innovation fund partners (who help us administer our innovation competitions and related communications), organisations that help us evaluate our innovation competitions and organisations who carry out surveys on our behalf. All contracts with third party data processors include contractual safeguards to ensure protection of personal data and compliance with the GDPR.

Whenever we process personal information in a way that may result in the information being shared overseas, we will ensure that the data processing agreements in place ensure any

processor meets the same standards as those imposed under the GDPR, as the GDPR requires.

Please see the section on "your rights" at page 8 of this document for information on how to obtain a copy of the safeguards put in place.

5. Information processed via different media

5.1 Telephone calls

Telephone calls to and from Ofwat are not currently recorded. We do have a voicemail system where messages for call back are received. Once the information has been retrieved for assigning to the relevant department they are then deleted from the voicemail system. Anybody calling the Ofwat direct line (0121 644 7500) will hear an automated message and a link to Ofwat's privacy statement before they continue their call.

5.2 Emails

Emails to Ofwat are received via our mailbox enquiry line, Press Office team, Freedom of Information mailbox, consultation email addresses, programme-specific emails or direct to members of staff. Emails to our enquiry lines are recorded against a name, in order for us to respond and deal with your query. When we respond to an email on a new matter for the first time, we will set out our privacy statement and link to this policy. Once your enquiry is complete we will keep your details in accordance with Ofwat's retention schedule. For more information on Ofwat's retention schedule please visit our [website](#).

5.3 Using our website

Our website contains cookie devices through Google Analytics, which we use to track and report Ofwat's web traffic. Google's privacy policy explains how people's data is used, including their IP address and how Google Analytics uses IP addresses to provide and protect the security of the service and to give website owners general information on where in the world their users are based. For more information please see our [cookies policy](#).

Where we work with Nesta or another innovation fund partner, for the purposes of administering our innovation competitions, we may collect and process your personal information through dedicated websites and/or online portals that we and our innovation fund partners operate for this purpose.

5.4 Social Media

Ofwat uses LinkedIn, Facebook, Instagram, YouTube and Twitter to interact directly with customers and our stakeholders focusing on improving communication flows in an open and transparent manner. If you choose to contact us through social media we will assume you are

happy for us to respond to you via this mode of communication. These social media sites are not operated or owned by us, so the site owners are responsible for the retention and security of data posted on them.

Wherever information is provided to us through these sites in a non-public way (e.g. through Facebook messenger) we will treat it and protect personal data in the same way as information we receive through any other means, for example as if it were received via email. If we consider that social media is not the most appropriate method for responding we will direct you to an alternative form of communication.

5.5 CCTV

Ofwat has two offices located in Birmingham and London. CCTV operates at both sites. Requests for copies of images and further information regarding the CCTV operations at either site should be addressed to the site owners. For site owner details please contact us at mailbox@ofwat.gov.uk or telephone 0121 644 7500.

6. Protecting your information

Our aim is not to be intrusive, and we will not ask irrelevant or unnecessary questions. The personal information you provide will be subject to rigorous measures and procedures to make sure it cannot be seen, accessed or disclosed to anyone who shouldn't see it.

We have a suite of policies which outline our commitments and responsibilities in relation to privacy. These are available at [this link](#).

We provide training to staff who handle personal information, including temporary staff. All staff are subject to our [code of conduct](#) and are subject to disciplinary procedures if they misuse or do not look after your personal information properly.

Paper records are held securely on site or with our storage provider and subject to stringent contractual protections. Where information is no longer required to be retained, we are responsible for disposing of paper records securely via shredding and deleting any electronic personal information in a secure way in accordance with our [Retention and Disposal Policy](#).

7. Protecting your information

You have the following rights concerning the processing of your personal data.

7.1 Right of access

You have the right to request that we provide you with a copy of any information about you that we hold about you, and be informed of (a) the source of your personal information; (b) the purposes for which we are processing it, and the legal basis and methods of processing; (c) the data controller's identity; and (d) the entities or categories of entities to whom your personal data may be transferred

7.2 Right of rectification

We try to ensure that any information we hold about you is correct. There may be situations where you find the information we hold is no longer accurate and you have the right to inform us of this. We will then suspend any processing while we have this corrected.

7.3 Right to erasure

You have the right to request that Ofwat erase any personal information which relates to you, in limited circumstances, where:-

- it is no longer needed for the purposes for which it was collected; or
- you have withdrawn your consent (only where the processing was based on consent);
or
- you have successfully exercised your right to object to processing (see below); or
- the personal information has been processed unlawfully; or
- to comply with a legal obligation to which Ofwat is subject.

Please note that we are not required to comply with a request to erase personal information where the processing of that information is necessary for compliance with a legal obligation, or for the establishment, exercise or defence of legal claims.

Please also note that erasing your personal information may cause delays or prevent us delivering a service or response to you.

7.4 Right to object to the processing of your personal information

Where we process your personal information on the basis that it is necessary for our legitimate interests or for the performance of our tasks in the public interest, you have the right to object where you believe that your fundamental rights and freedoms outweigh these interests, on grounds relating to your particular situation. Please see Annex 1 for the categories of contact whose data we process and the lawful bases relied upon, so that you can see when this applies.

If you raise an objection, we have the opportunity to demonstrate that we have compelling legitimate grounds to continue processing your personal data. Otherwise we will cease to process your personal data.

7.5 Right to restrict processing

You have the right to ask us to restrict how we process your personal information, instead of asking us to erase it, but only where:-

- the accuracy of the information is contested (to allow us to verify its accuracy); or
- the processing is unlawful, but you do not want us to erase the information; or
- the information is no longer needed for the purposes for which it was originally being processed, but we need it to establish, exercise or defend legal claims; or
- you have exercised the right to object to the processing of your personal information as set out above, and verification is pending as to whether overriding grounds for processing apply.

We can continue to use your personal information following a request for restriction where we have your consent, or where we need it to establish, exercise or defend legal claims, or to protect the rights of another natural or legal person.

7.6 Right to obtain a copy of safeguards used for transfer outside the EEA

You can ask to obtain a copy of, or reference to, the safeguards under which your personal information is transferred outside of the United Kingdom and/or European Economic Area. We may redact any information provided under this right to protect commercial confidentiality.

7.7 Right to withdraw consent

Where we are processing your personal information on the basis of your consent, you have the right to withdraw your consent. You can contact us at the address set out on page 13 of this privacy policy to let us know that your consent is withdrawn, and we will then stop the processing in question. If you are receiving email updates from us about our work, you can opt-out of receiving further emails by using the unsubscribe option on those emails. Annex 1 of this document sets out the bases upon which we process personal information, including where this is based upon consent, so that you can see when this applies.

8. DPO, first point of contact, and right of complaint to the ICO

As a public authority, Ofwat has a designated Data Protection Officer who is responsible for the tasks set out under the GDPR.

As a first contact if you wish to exercise any of the rights listed above, or if you have a question or complaint about how your information has been used, please contact FOI@ofwat.gov.uk.

Our Data Protection Officer's contact details are: Jenny Block, dpo@ofwat.gov.uk.

If you require general information about data protection or wish to make a complaint to the supervisory authority, information is available on the Information Commissioners web site: <https://ico.org.uk>.

We suggest that you discuss your complaint with us in order to see if it can be resolved in the first instance, using the email address above, before you consider complaining to the ICO. However you have the right to complain to the ICO at any time.

9. Changes to this privacy notice

We will review and update this privacy notice to reflect changes in our services and feedback, as well as to comply with changes in the law. When such changes occur, we will revise the 'last updated' date on this notice and the current version will be available on our [website](#).

10. Links to Associated Documents

- [ICT 4 Retention and Disposal Policy](#)
- [ICT 5 Information and Technology Security Policy](#)
- [Ofwat Code of Conduct](#)
- [G2 Data Protection Policy](#)

11. Review Period

This policy will be reviewed every two years, and as required by legislative or organisational change.

12. Monitoring arrangements

Areas for monitoring	How	Who by	Reported to	Frequency
Complaints, incidents and requests	Quarterly report	IGM/DPO	SIRO	Quarterly

13. Document control

Version	Date	Author	Changes to previous document
0.1	March 2016	SA FOI	
0.2	Apr 2016	DIR PPM	Minor amendments
0.3	Apr 2016	SA FOI	Minor amendments
0.4	May 2016	SA FOI	Minor amendments
0.5	Jan 2017	SA FOI	Amendments to incorporate GDPR
0.6	March 2018	PR Legal	Minor changes to reflect GDPR
0.7	May 2018	PR Legal	Further amendments re GDPR
1.0	Nov 2019	PR Legal	Redraft
1.1	Jan 2020	PR Legal	Minor amendments to incorporate innovation fund

Sign off

Job title	Date	Version no.	Date of next review
DPO	November 2019	1.0	November 2021

Annex 1

In all cases, data is retained and destroyed in accordance with our current retention schedule, see www.ofwat.gov.uk.

Category of contact	Why we process your data and what personal data we process	Legal basis for data processing under GDPR	Additional legal basis for processing special category personal data under GDPR and for processing under DPA 2018 (where applicable)
Visitors to our website	<p>To operate and improve our website service and to track and report our web traffic.</p> <p>The personal data we hold about visitors to our website is limited to: IP addresses.</p>	<p>This processing is necessary for the performance of a task carried out in the public interest (Article 6(1)(e)GDPR) i.e. operating our website and providing public information about our work</p>	N/A
People who use our general information services	<p>To engage with stakeholders in a way which is efficient and transparent in providing information.</p> <p>The personal data we hold about those using our general information</p>	<p>This processing is necessary for the performance of a task carried out in the public interest i.e. keeping interested parties informed about our work (Article 6(1)(e) GDPR).</p>	N/A

Category of contact	Why we process your data and what personal data we process	Legal basis for data processing under GDPR	Additional legal basis for processing special category personal data under GDPR and for processing under DPA 2018 (where applicable)
	services (such as email contact lists) is limited to: name and contact details (generally email address).	Where we process personal data in order to send emails keeping interested parties informed about our work and about events relating to it, the basis for this processing is the consent of those interested parties (Article 6(1)(a) GDPR). Subscribers can opt-out of these communications.	
<p>People who engage and communicate with Ofwat, or about whom we receive personal data, in their capacity as customers for water and/or wastewater services.</p> <p>This also includes any person whose data is processed under or in connection with the customer surveys which are undertaken on behalf of Ofwat in relation to</p>	<p>To carry out our relevant statutory functions, principally those under the Water Industry Act 1991, including in relation to resolution of customer complaints.</p> <p>The personal data we process about customers generally consist of name and contact details, although in</p>	This processing is necessary for the performance of a task carried out in the public interest (Article 6(1)(e) GDPR), i.e. the carrying out of Ofwat's statutory functions.	It is rare that this processing will involve any special category personal data: in the event that this does apply, the legal basis is that this is necessary for reasons of substantial public interest, on the basis of Member State law (Article 9(2)(g) GDPR). By way of hypothetical example, a customer's personal circumstances may in some circumstances be relevant to

Category of contact	Why we process your data and what personal data we process	Legal basis for data processing under GDPR	Additional legal basis for processing special category personal data under GDPR and for processing under DPA 2018 (where applicable)
<p>customers' experience of their water and/or wastewater company, in order for us to measure and incentivise excellent customer service through our regulation³.</p>	<p>some cases a customer may give us additional personal information.</p> <p>We may also use information collected and processed in order to monitor and improve our performance in carrying out our functions.</p>		<p>the impact of the alleged breach of duty by their water/sewerage company, and how we can best interact with the customer.</p> <p>Where any special category data is processed, this is in accordance with section 10(3)DPA 18. The processing meets the condition at Schedule 1 Part 2 paragraph 6 i.e. it is necessary for the exercise of a function conferred by an enactment, or the exercise of a function of a government department, and is necessary for reasons of substantial public interest.</p>

³ More information about these surveys is set out on [our website](#).

Category of contact	Why we process your data and what personal data we process	Legal basis for data processing under GDPR	Additional legal basis for processing special category personal data under GDPR and for processing under DPA 2018 (where applicable)
<p>People who engage with Ofwat in their capacity as employees and representatives of water and/or wastewater companies, licensees or of any other organisations in relation to our or their regular activities (including other government departments).</p> <p>This also includes people who work for or represent other organisations which interact with the water and/or wastewater sector, such as developers.</p>	<p>To carry out our relevant statutory functions and connected activities, and also to carry out the organisational activities necessary to enable our work as a regulator (such as entering into contracts for goods and services, for example).</p> <p>The personal data we process about those who engage with us as employees or representatives of companies or other organisations that we engage with is generally limited to name and contact details.</p>	<p>This processing is necessary for the performance of a task carried out in the public interest (Article 6(1)(e) GDPR) i.e. the carrying out of our statutory functions, activities supporting these functions and operational activities to ensure that Ofwat operates efficiently as an organisation.</p>	<p>N/A</p>
<p>People who contact us in relation to information requests and general queries (other than customers we</p>	<p>To allow us to respond to information requests, and to monitor and improve Ofwat's</p>	<p>This process is necessary for the performance of a task carried out in the public interest (Article 6(1)(e)</p>	<p>N/A</p>

Category of contact	Why we process your data and what personal data we process	Legal basis for data processing under GDPR	Additional legal basis for processing special category personal data under GDPR and for processing under DPA 2018 (where applicable)
engage with in carrying out our statutory functions – see above)	<p>performance in responding to requests.</p> <p>The personal data we process about people who contract us in relation to information requests, complaints or general queries is generally limited to name and contact details.</p>	GDPR) i.e. assisting stakeholders to engage with Ofwat’s work.	
Job applicants (including those who apply for roles as (including non-executive Board Members, contractors, agents and representatives and temporary staff))	<p>To allow Ofwat to recruit suitable staff</p> <p>The personal data we process in relation to job applicants is: name, title, national insurance number, contact details (usually email address), employment status, nationality, and current salary. We will also review CVs containing employment history and references.</p>	<p>Ofwat will process data about prospective employees which is necessary to take steps prior to entering into a contract (Article 6(1)(b) GDPR) such as arranging interviews, checking references and populating contracts.</p> <p>Where an unsuccessful job applicant requests us to do so, we will retain their name and contact details for future consideration of</p>	Special category data is processed for the purposes of carrying out obligations and exercising specific rights in the field of employment and social security and social protection law (Article 9(2)(b) GDPR) and processing meets the conditions at Schedule 1 Paragraph 1 of the DPA 18 in that it is necessary for those purposes and

Category of contact	Why we process your data and what personal data we process	Legal basis for data processing under GDPR	Additional legal basis for processing special category personal data under GDPR and for processing under DPA 2018 (where applicable)
	<p>We also ask for data relating to racial or ethnic origin and data concerning health (in relation to disability) on the diversity monitoring form which we ask job applicants to complete.</p>	<p>similar vacancies. The data subject (unsuccessful applicant) can contact us at any time to request that we stop processing, and we will erase the data held for this purpose. The basis for this processing is that the data subject has given their consent to the processing for this purpose under Article 6(1)(a) GDPR.</p>	<p>the appropriate policy documents are in place⁴.</p> <p>In relation to diversity monitoring this processing is necessary for reasons of substantial public interest (Article 9(2)(g) GDPR) and meets the condition at Schedule 1 Part 2 paragraph 8 i.e. it is necessary for the purposes of identifying or keeping under review the existence or absence of equality of opportunity or treatment between groups of people specified in relation to that category with a view to enabling such equality to be promoted or maintained.</p>

⁴ As set out in paragraph 39, Part 4 of Schedule 1 to the DPA 18. The appropriate policy documentation for these purposes is the Privacy Policy and our Retention and Disposal Policy

Category of contact	Why we process your data and what personal data we process	Legal basis for data processing under GDPR	Additional legal basis for processing special category personal data under GDPR and for processing under DPA 2018 (where applicable)
<p>Current employees (including non-executive Board Members, contractors, agents and representatives and temporary staff)</p>	<p>To allow Ofwat to remunerate, manage and support our staff</p> <p>The personal data we process in relation to employees is:</p> <p>Personal contact details such as name, title, address, telephone numbers and personal email addresses.</p> <p>Date of birth.</p> <p>Gender, sexual orientation and gender assignment.</p> <p>Marital status and dependents.</p> <p>Next of kin and emergency contact information.</p> <p>National insurance number. Trade union membership information.</p> <p>Bank account details, payroll records and tax status information.</p> <p>Salary, annual leave, pension and</p>	<p>Ofwat processes personal data about employees in order to ensure that the employees' contractual rights are met (e.g. payment of salary), this processing is necessary for the performance of a contract to which the employee is party (Article 6(1)(b) GDPR).</p> <p>Ofwat may process personal data about employees to comply with legal requirements (e.g. processing flexible working requests or where Ofwat passes personal data to third parties such as Her Majesty's Revenue and Customs and the Department for Work and Pensions). In these cases the processing is necessary for compliance with a</p>	<p>Special category data may be processed in relation to current employees, on the basis that it is necessary to carry out obligations or exercise specific rights in the field of employment, social security and social protection law as authorised by EU or UK law (Article 9(b) GDPR) and in accordance with section 10(2) DPA 18.</p> <p>The processing meets the condition at Schedule 1 Part 1 paragraph 1 i.e. it is necessary for the purposes of performing or exercising obligations or rights which are imposed or conferred upon us or on the data subject in connection with employment, social security or social protection and we have an</p>

Category of contact	Why we process your data and what personal data we process	Legal basis for data processing under GDPR	Additional legal basis for processing special category personal data under GDPR and for processing under DPA 2018 (where applicable)
	<p>benefits information. Employment records (including proof of relevant qualification, job titles, work history, working hours, disciplinary and grievance information, performance information, training records and professional memberships). Health information Information about employees' use of our information and communications systems. Recruitment information (including copies of right to work information, verification checks, references and other information included as part of the application process). Photographs. ID documents such as a copy of a</p>	<p>legal obligation (Article 6(1)(c) GDPR). Limited personal data (for example employee's name and work contact details) may also be processed for the purposes of our tasks in the public interests under Article 6(1)(e) GDPR when they are used and shared for the purposes of Ofwat's regulatory and supporting activity — for example, employees' names and contact details may be provided to other members of staff or shared as part of a case-file with other organisations in line with the employees' job descriptions and expectations, and in accordance</p>	<p>appropriate policy document in place⁵.</p>

⁵ As set out in paragraph 39, Part 4 of Schedule 1 to the DPA 18. The appropriate policy documentation for these purposes is this Privacy Policy and our Retention and Disposal Policy

Category of contact	Why we process your data and what personal data we process	Legal basis for data processing under GDPR	Additional legal basis for processing special category personal data under GDPR and for processing under DPA 2018 (where applicable)
	driving licence or passport and documents showing proof of address.	with our privacy policy, to enable Ofwat to carry out our work. The legal basis for the processing of Board members' and senior managers' expenses and salary data is that it is necessary for the performance of a task carried out in the public interest (Article 6(1)(e) GDPR) i.e. supporting transparency and accountability of senior Ofwat staff.	
Former employees (including non-executive Board Members, contractors, agents and representatives and temporary staff)	To allow Ofwat to maintain appropriate records We process the same types of personal data we process in relation to former employees as in relation to current employees	In some cases data about past employees may be retained and processed in order to comply with legal requirements (e.g. pension information for the DWP), in which case the processing is necessary for	Special category data will only be processed to the extent necessary for the purposes of obligations and rights in the field of employment law and social security/social protection law (Article 9(b) GDPR) and

Category of contact	Why we process your data and what personal data we process	Legal basis for data processing under GDPR	Additional legal basis for processing special category personal data under GDPR and for processing under DPA 2018 (where applicable)
		<p>compliance with a legal obligation (Article 6(1)(c) GDPR).</p> <p>In other cases, retaining and processing this data is necessary to Ofwat's legitimate interest in keeping appropriate records and providing references under Article 6(1)(f) GDPR). Limited personal data (for example former employee's name and work contact details) may also be passed to other government departments or regulators if it is included in a case-file which is passed to another organisation for the purposes of their or our tasks in the public interest – Article 6(1)(e) GDPR</p>	<p>Schedule 1, Part 1, Paragraph 1 DPA 18.</p>

**Ofwat (The Water Services Regulation Authority)
is a non-ministerial government department.
We regulate the water sector in England and Wales.**

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